

Memorandum

To: Commission on Immigration

From: Mike Edwards, Deputy Director, Virginia Association of Counties
Mark Flynn, Director of Legal Services, Virginia Municipal League

Re: Local government response to immigration actions survey

Date: 5 December 2007

Senator Watkins, chair of the Immigration Commission asked VML and VACo to survey their members on immigration issues. The questionnaire was sent out early fall, asked the following questions. The answers set out in this memo were received by early November.

Survey questions

1. Has your locality undertaken a cost-benefit analysis of immigration?
2. Has your locality undertaken a service responsibility analysis (for example: documented services legally provided in accordance with applicable laws to undocumented immigrants)?
3. Has your locality prepared any other documents related to immigration (resolutions, memoranda or any other materials)?

The following localities responded to VML in the VML/VACo survey request. VACo has documented the majority of county responses. A blanket 'No' response means the answer is no to all three questions.

Cities

Bristol No
Fairfax No
Franklin No
Staunton No

Lynchburg No
Martinsville No
Waynesboro No

Alexandria

1. No
2. Yes (memorandum on services being provided by city)
3. Alexandria adopted a resolution affirming its responsibility to ensure that all people within the City are accorded equal protection under the law; that it is not the role of state or local governments to assume federal responsibilities for immigration law any more than it is the role of local government to enforce federal tax, patent, or commerce regulations, affirming local government's role is to provide for the health,

safety and security of the entire community and stating that is morally appropriate and fiscally prudent to focus City resources towards addressing and resolving discrete community concerns that are governed by the applicable local laws.

The resolution affirmatively states that the city will “foster an atmosphere of inclusiveness that respects the dignity and worth of every person without regard to race, color, sex, religion, ancestry, national origin, marital status, age, disability, sexual orientation, and familial status; work towards building bridges of understanding and mutual respect among the diverse members of our community; comply with all federal and state laws related to immigration, including those that involve eligibility for state and federal programs; protect the security of its community and will aggressively prosecute individuals who threaten our security with serious crimes, checking the immigration status of any such person and forwarding this information to appropriate State and Federal officials; and that, beyond what is required by State and Federal law, the City and its various agencies will neither make inquiries about nor report on the citizenship of those who seek the protection of its laws or the use of its services.

Chesapeake 1 & 2 – No

3. Ordinance on contractor certification of hiring legal aliens in public procurement setting.

City staff did provide a memo on various legal requirements and various city offices’ practice (for example, parks department does not ask immigration status for admission to facilities)

Falls Church

1, 2 No

3. City Council adopted a Vision Statement in November 2006 that refers to the value of “Diversity” and states that Falls Church is a place where *people of all means and backgrounds* are welcomed and encouraged to participate in all aspects of community life; and racial, ethnic, economic and other facets of human experience enrich the community by providing it with a diverse mix of outlooks and views on world, national and local issues and problems. Council has recently adopted a resolution confirming the values; pledging to “continue to operate in accordance with all federal and state laws while ensuring that the tenets described in the City’s Vision Statement remain the cornerstone of our diverse City’s unifying beliefs”; “staff and its contractors will continue to administer City services in a way that is responsive to the needs of the City’s diverse community and make efforts to provide these services in various languages and formats; and rejecting “any policies that would encourage discrimination against any of our residents on the basis of ethnicity or country of origin, or in any other way compromise their fundamental rights, including the constitutional right to equal protection under the law”.

Newport News – No

The city is developing a policy and procedure on the law enforcement side and has formed a Hispanic Advisory Board. This board will seek to establish good working relationships with the Hispanic community.

Virginia Beach – 1, 2 No

3. Police department has promulgated general order on dealing with illegal immigrants, that includes list of circumstances when police may verify status, limited to any person who:

1. Is physically arrested and not eligible for release on a summons
2. Has been convicted of any felony, regardless of whether that felony involved violence
3. Is reasonably suspected of involvement in terrorism and/or subversive activities
4. Is reasonably suspected of participating in an organized venture to bring or fraudulently assimilate undocumented foreigners into the country
5. Is reasonably suspected of participating in criminal street gang activity

Counties

Albemarle County	No	Lancaster County	No
Amherst County	No	Lee County	No
Augusta County	No	Madison County	No
Bland County	No	Nelson County	No
Botetourt County	No	Northampton Co.	No
Brunswick County	No	Orange County	No
Campbell County	No	Pittsylvania County	No
Clarke County	No	Powhatan County	No
Essex County	No	Prince Edward Co.	No
Fauquier County	No	Prince George Co.	No
Floyd County	No	Pulaski County	No
Giles County	No	Roanoke	No
Gloucester County	No	Rockingham County	No
Goochland County	No	Sussex County	No
Grayson County	No	Washington County	No
Greensville County	No	York County	No
Hanover County	No		

Arlington County- Documented benefits and services; adopted a resolution celebrating and highlighting the benefits of inclusion and diversity

Arlington footnote:

Adopted a resolution acknowledging the benefit of its politics of inclusion including increased economic growth, low crime rates and good schools, and rejecting the policies and practices that promote discrimination, exploitation and fear of government.

Lead-in to the County's "Fact Sheet: Measures of Arlington County's Success": *Arlington County has grown stronger as we have welcomed a diverse population from around the world. Our policies clearly demonstrate how tolerance and inclusion can make a community better. As the County's diversity has increased, we have experienced a drop in the crime rate and unemployment and an increase in property values and income level.*

Bath County- Adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Bedford County- No formal action; monitoring the work of the local government *Coalition on the effects of illegal immigration*

Chesterfield County- Documented costs and services.

Chesterfield footnote: Participating in the State Criminal Alien Assistance Program (the county has received over \$145,000 to date, in reimbursements for housing illegal immigrants in the jail, and asked the Congressional delegation to increase appropriations for SCAAP); police officers are undertaking document authenticity training; and the county is seeking 2008 legislation requiring business license applicants to certify they do not employ illegal immigrants. The county participated in the initial meetings of the *Coalition on the effects of illegal immigration*. New board to consider the formation of a multicultural advisory commission.

Culpeper County- Adopted a resolution in support of English as the official language, and a resolution establishing the local government *Coalition on the effects of illegal immigration*. The county hosted the first meeting of the coalition the week of Oct. 22.

Culpeper footnote:

Extracted from the Culpeper County resolution of August 7 establishing the local government *Coalition on the effects of illegal immigration* —

Now, therefore, be it resolved by the Board of Supervisors of Culpeper County, Virginia:

1. The County stands ready to join with other localities to study and formulate recommendations to the General Assembly and its Commission for the resolution of problems caused by illegal aliens with the Commonwealth of Virginia.
2. The County Administrator is hereby directed to identify other localities interested in forming such a coalition.

Fairfax County- See footnote:

In response to a Board member request, a staff report on the cost of providing services to undocumented immigrants indicated that only limited information on direct costs was able to be calculated (specifically, identifiable local costs of \$3.8 million for detention of identified undocumented immigrants). The staff response also indicated that there are no reliable estimates of the number of immigrants living in Fairfax County illegally, and there are no reliable methodologies for creating such an estimate.

The County does require documentation or confirmation for certain services, as required by law, of legal presence, citizenship, or right to work in order for the service to be provided. Further, per the 287(g) program, the Fairfax County Sheriff recently indicated the County will begin partnering with federal Immigration and Customs Enforcement officials to screen inmates for immigration violations and work with federal authorities to deport those illegally in this country. In addition, the County also has initiated several programs addressing illegal behavior associated with quality of life issues in neighborhoods.

Frederick County- Directed staff to review the action of Loudoun and Prince William Counties, in particular the service responsibility information, and outlined current federal laws related to enforcement and administration of services.

Henry County- Participating in the *Coalition on the effects of illegal immigration*

James City County- Directed staff to review recent actions of other Virginia localities

King and Queen County- Adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Loudoun County- See footnote:

Adopted a resolution directing staff to provide information regarding public benefits and immigration status and the enabling authority and conditions under which the County provides benefits and services. Staff subsequently provided two follow-up reports to the County Board regarding services and many related issues.

Loudoun footnote: Of note, Loudoun County's Board of Supervisors adopted changes to the Loudoun County Zoning Ordinance imposing the maximum civil penalties permitted under the Virginia Code for housing overcrowding violations. Other actions include:

- adding certification language related to compliance with federal immigration laws on all County contracts;
- starting a six-month overall proactive zoning enforcement program concurrent with a community outreach program,
- certifying legal status for all children enrolling in County childcare programs; and
- verification by all non-profit, community service programs that they comply with all Federal, State and local laws.

New Kent County- Adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Northumberland County- Adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Page County- Adopted a resolution decrying illegal immigration and calling on swift enforcement and deportation for illegal activities.

Page County footnote:

Extracted from the Page County resolution of August 21 –

1. That the Page County Board of Supervisors reaffirms the County policy of respect for the law and fair and impartial enforcement of it at all levels of government.
2. That the Page County Board of Supervisors deplores the crimes of illegal immigration, the hiring of illegal aliens by employers, the fraudulent acquisition of services by those not entitled to them because of their illegal status and the mandated expenditure of local taxpayer dollars to fund services for illegal aliens.
3. That the Page County Board of Supervisors by formal correspondence notify our Federal and State legislators of the County's support for aggressive enforcement of the laws prohibiting illegal immigration and hiring of undocumented aliens and for speedy deportation of them.

Prince William County- See footnote:

The County:

- reiterated that County staff is to follow all federal and state laws, statutes, rules and regulations, etc., in the delivery of services to those lacking legal presence;
- analyzed enabling authority of all county services and legal conditions under which such public benefits and services are provided and categorized as: (1) benefits that must be provided regardless of status, (2) benefits that must not be provided those lacking legal presence, and (3) benefits for which there is discretion and the relative merits of exercising that discretion;
- directed County staff to more thoroughly study and develop an implementation plan and schedule under which eight (8) specifically identified county services can be denied to persons lacking legal presence and report these back to the Board;
- directed County staff to implement processes to ensure that business licenses are not issued to persons lacking legal presence;
- directed County staff to enter into a public outreach effort to educate the community regarding the implementation of county policies connected to illegal immigration;
- implemented 287(g) program in Prince William-Manassas Regional Jail to identify those inmates lacking legal presence and who have either committed or alleged to have committed serious crimes;
- directed Police Department to establish probable cause standard for the detention of those lacking legal presence, Police Department has developed a draft General Order, will train all departmental personnel in the new General Order before it goes into effect, and to establish program with university or non-profit, non-partisan institution

to evaluate the effects of the measures adopted by the Police Department in response to Board directives; and

- directed Police Department to establish criminal alien unit to facilitate the deportation of criminal aliens through support of the primary screening operation at the jail, support and training of patrol officers, and independent investigations, and to enter into 287(g) agreement with Immigration and Customs Enforcement.

Shenandoah County- Undertaken an informal service responsibility analysis and adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Southampton County- Adopted a resolution decrying illegal immigration and calling on the enactment of federal immigration reforms to include sufficient state and local funding. Additionally, the County is participating in the local government *Coalition on the effects of illegal immigration*

Spotsylvania County- Adopted resolutions in support of English as the official language and to participate in the local government *Coalition on the effects of illegal immigration*

Stafford County- Adopted a resolution establishing a county task force examining the effects of immigration

Warren County- Adopted a resolution to participate in the local government *Coalition on the effects of illegal immigration*

Towns

Blackstone No

Vienna No

Woodstock No

Culpeper

1. Yes, very little information received in response to town's request to various county, town and state agencies operating in locality. Most responded that they lacked information to respond.

2/3 No

Herndon

1, 2 No

3. Numerous ordinances and resolutions adopted to deal with the practical impact of immigrant in-migration, including street solicitation; discouragement of issuance of a business license to any company that violates federal hiring laws; encouraging the use of English in town dealings.

Leesburg

1 / 2 . No

3 Police department order on immigration enforcement; staff analysis of advocacy group efforts.

Rocky Mount – 1, 2 No

3. Adopting family definition for zoning ordinance to respond to overcrowding in single family homes, related to increase in the number of immigrants.